

Vujicic (Migration) [2018] AATA 1921 (21 June 2018)

DECISION RECORD

DIVISION:	Migration & Refugee Division
APPLICANT:	Mr Aleksandar Vujicic
CASE NUMBER:	1708639
DIBP REFERENCE(S):	BCC2015/2226846
MEMBERS:	Jan Redfern (Presiding) Simone Burford
DATE:	21 June 2018
PLACE OF DECISION:	Sydney
DECISION:	The Tribunal remits the application for a Partner (Temporary) (Class UK) visa, with the direction that Mr Vujicic meets the following criteria for a Subclass 820 (Partner (Temporary)) visa: • cl.820.211(2)(a) of Schedule 2 to the Regulations • cl.820.221(1) of Schedule 2 to the Regulations.

Statement made on 21 June 2018 at 5:45PM

CATCHWORDS

MIGRATION – Partner (Temporary) (Class UK) – Subclass 820 (Partner) (Temporary) – refusal of visa on grounds applicant did not satisfy cl.820.211(2)(a) of Schedule 2 to the *Migration Regulations 1994* – whether parties are in a spousal relationship – the Tribunal is satisfied that the parties marriage is valid for the purpose of the *Migration Act 1958* – the Tribunal is satisfied that the couple have a mutual commitment to a shared life as a married couple to the exclusion of all others, are in a genuine and continuing relationship and live together and not separately and apart on a permanent basis – further evidence submitted to the Tribunal – consideration of the financial aspects of the relationship, nature of the household, social aspects of the relationship and nature of the persons' commitment to each

other – decision set aside and remitted for reconsideration

LEGISLATION

Migration Act 1958, s 65

Migration Regulations 1994, Schedule 2, cls 820.211(2)(a), 820.220(1)

STATEMENT OF DECISION AND REASONS

APPLICATION FOR REVIEW

1. This is an application for review of a decision of a delegate of the Minister for Immigration on 3 April 2017 to refuse to grant Mr Vujicic a Partner (Temporary) (Class UK) visa under s.65 of the *Migration Act 1958* (the Act).
2. The applicant, Mr Vujicic applied for a Partner visa on 31 July 2015 on the basis of his relationship with his sponsor, Ms Sladjana Jovic. When the application was made, Class UK contained only one subclass: Subclass 820 (Partner (Temporary)). The criteria for the grant of this visa are set out in Part 820 of Schedule 2 to the Migration Regulations 1994 (the Regulations).
3. The delegate refused to grant the visa on the basis that the visa applicant did not satisfy cl.820.211(2)(a) because the delegate was not satisfied that the evidence was sufficient to demonstrate that Mr Vujicic was the spouse or de facto partner of his sponsor.
4. The issue in the present case is whether Mr Vujicic is in a spouse or de facto relationship with Ms Jovic.
5. Mr Vujicic appeared before the Tribunal on 18 April 2018 to give evidence and present arguments. The Tribunal also heard oral evidence from Ms Jovic. Ms Dragica Radmanovic, Mr Ivan Cvijanovic, Ms Zlata Jovic, Ms Sara Anne Bates, Mr Srdjan Jovic, Mr Stevan Miljkovic and Mr Zivko Lakatus appeared before the Tribunal to give evidence in support of the relationship. Mr Steva Matic provided evidence via telephone from Serbia. The Tribunal hearing was conducted with the assistance of an interpreter in the Serbian and English languages.
6. Mr Vujicic was represented in relation to the review by his registered migration agent. The representative attended the Tribunal hearing and provided written and oral submissions to the Tribunal.
7. For the following reasons, the Tribunal has concluded that the matter should be remitted for reconsideration.

CONSIDERATION OF CLAIMS AND EVIDENCE

8. *Relationship background*

9. Mr Vujicic, is a 49 year old Serbian national. He was previously married in Serbia on 1 March 2014 and divorced on 26 February 2015. He has one child from this relationship, a daughter who is now 11 years old. His former wife has custody of his daughter. They live in Serbia. His sponsor, Ms Jovic, is a 49 year old Australian Citizen who was born in the former Yugoslavia. She lives in Perth. She has not been previously married. Her parents and her brother currently live in Australia, residing in a home she owns in Perth.
10. Mr Vujicic arrived in Australia on 17 July 2014 as the holder of a Student visa. At this stage he was still married to his former wife. He planned to study English. Mr Vujicic gave evidence that when he arrived in Australia he moved in with an old school friend, Mr Matic. Mr Matic had stayed with Mr Vujicic during visits to Serbia and they had discussed the option of him moving to Australia to study.

11. The parties' written and oral evidence is that they met on 7 November 2014 and committed to a relationship on 4 April 2015. They married on 9 June 2015. They met through mutual friends Ms Katica Saicic and Ms Dragica Radmanovic when they invited Mr Vujicic to come to coffee at Ms Jovic's home. Ms Saicic and Ms Radmanovic, whom the parties referred to as Ms Jovic's 'godmothers' were later witnesses at their wedding. Following this meeting the couple stayed in contact, going out together on dates for dinner and coffee. At the time Mr Vujicic was still married. They testified that they began seeing each other more seriously in early 2015 and decided to marry in April 2015 following Mr Vujicic's divorce in March 2015. The Tribunal notes the parties' account of their relationship was broadly consistent and was supported in oral testimony from Ms Radmanovic.
12. The Tribunal notes that Mr Vujicic and his sponsor provided significantly more material in support of the application for review than they originally submitted to the Department in support of the visa application. This additional material included supportive statements from 21 friends, family and acquaintances of the parties who provided support for the relationship. Many had direct knowledge of both parties and attested to the genuineness of the relationship. This included witnesses who appeared before the Tribunal, at the Tribunal's request, to answer questions and provide evidence. In submissions filed on behalf of Mr Vujicic, his representative conceded that the parties could have 'done a better job' with respect to the information provided to the Department.

Whether the parties are in a spouse or de facto relationship

13. Clauses 820.211(2)(a) and 820.221 require that at the time the visa application was made, and at the time of this decision, Mr Vujicic is the spouse or de facto partner of an Australian citizen or Australian permanent resident or an eligible New Zealand citizen. In the present case Mr Vujicic claims to be the spouse of Ms Jovic who is an Australian citizen. A certified copy of Ms Jovic's Australian Citizenship Certificate, dated 18 April 2007 and a certified copy of her Australian passport were provided. The Tribunal is satisfied Ms Jovic is an Australian Citizen.
14. 'Spouse' is defined in s.5F of the Act and provides that a person is the spouse of another person where the two persons are in a married relationship. Persons in a married relationship must be married to each other under a marriage that is valid for the purposes of the Act, there must be a mutual commitment to a shared life as a married couple to the exclusion of all others, the relationship must be genuine and continuing, and the couple must live together, or not live separately and apart on a permanent basis: s.5F(2)(a)-(d). In forming an opinion about these matters, regard must be had to all of the circumstances of the relationship. This includes evidence of the financial and social aspects and the nature of the parties' household and their commitment to each other as set out in r.1.15A(3), which is extracted in the attachment to this decision.

Are the parties validly married?

15. If the parties are validly married, they may meet the requirements of a spousal relationship, but not a de facto relationship. The parties' submitted a certified copy of a Marriage Certificate dated 9 June 2015 from the Western Australian Registry of Births, Deaths and Marriages. It states the parties were married on 9 June 2015 at the Perth Registry of Births, Deaths and Marriages. A ceremonial certificate was also provided. The documentary evidence is consistent with the oral evidence as to the parties' marriage.
16. Mr Vujicic provided a certified copy of court orders, issued on 26 April 2015 by the Republic of Serbia First Primary Court of Belgrade in relation to Mr Vujicic's divorce. An official English translation was also provided.

17. On the evidence, the Tribunal is satisfied that the parties were married to each other under a marriage that is valid for the purposes of the Act as required by s.5F(2)(a).

Are the other requirements for a spousal relationship met?

18. The Tribunal had before it the Department's file relating to Mr Vujicic. The Tribunal also had before it the delegate's decision which the applicant provided to the Tribunal in filing his application for review. The Tribunal had regard to the material referred to in the delegate's decision, and other material available to the Tribunal, including material submitted by the parties prior to and at the commencement of the hearing. The parties were also given additional time following the hearing to provide any further information they wished the Tribunal to take into account. A submission from Mr Vujicic's registered migration agent was received subsequent to the hearing and has also been taken into account by the Tribunal.
19. A certificate under s.375A of the Act was issued by the Department to the Tribunal in respect of a number of folios on the Department file. The Tribunal carefully considered the certificate and the reasons why it was issued in respect of the specified folios. The certificate specifies reasons why the disclosure of any matter or information contained in the folios mentioned would be contrary to the public interest. The Tribunal formed the preliminary view that the certificate was valid.
20. Prior to the hearing, the Tribunal wrote to Mr Vujicic on 13 April 2018 to advise him that the non-disclosure certificate had been issued by the Department. The letter attached a copy of the certificate and noted that, on review, the Tribunal had formed the preliminary view that the certificate was valid. The Tribunal invited Mr Vujicic to make submissions in relation to the validity of the certificate. He had no submissions to make on the validity of the certificate.
21. The Tribunal finds that the certificate is valid on the basis that it provides a reason for why disclosure of the documents/information it relates to would be contrary to the public interest.
22. Having reviewed all the material provided in relation to the application and the oral evidence provided at the hearing, the Tribunal formed the view that the material covered by the certificate was not relevant to its considerations and would not be the reason, or part of the reason, for affirming the decision under review. Accordingly, it was unnecessary for the Tribunal to put the material covered by the certificate to Mr Vujicic under s.359A or s.359AA. In any event, the gist of the material was discussed with the parties at the hearing.
23. Mr Vujicic and Ms Jovic both gave evidence at the hearing. The Tribunal questioned them at length about their relationship. The Tribunal took evidence regarding the development of their relationship, their relationship history, knowledge of each other's background and family history, financial, social and household aspects of their relationship and the nature of their commitment to each other. Their responses were generally consistent. While the Tribunal had some concerns regarding Mr Vujicic's account of his prior relationship in Serbia, the Tribunal regarded other minor differences in the parties' evidence as indicative of them providing authentic responses from their own perspectives and knowledge.
24. The Tribunal has considered their oral evidence, and that of their supporting witness, together with the additional documentary evidence submitted at the Departmental and review stage in reaching its findings.
25. *Financial aspects*
26. The Tribunal has had regard to the evidence provided relating to the financial aspects of the relationship including joint ownership of assets and joint liabilities, the extent of pooling of

financial resources, any legal obligations owed by the parties and any sharing of the day-to-day household expenses.

27. The parties provided information which reflects their financial circumstances. This information included bank statements, insurance statements, car leasing and insurance documents and taxation records for Mr Vujicic.
28. Both parties are in paid employment. Ms Jovic has worked for a number of years at the Australian Red Cross and her salary is paid into her individual account. Mr Vujicic has worked for Cisco's Transport Pty Ltd since September 2015 as a truck driver. His employer, Dusan Vujicic provided a statement outlining Mr Vujicic's employment history and Mr Dusan Vujicic's relationship with the parties since their marriage. Mr Vujicic gave evidence that he and his employer share the same surname but are not related. Mr Vujicic also works as an Uber driver. His income from both jobs is paid into his individual account.
29. The parties also provided evidence of their bank statements. Although they opened a personal account in 2015 they have not provided statements for the account and indicated in evidence they do not use it. Mr Vujicic indicated they thought they would use it to pay their internet account however in the end they preferred to maintain separate accounts. Mr Vujicic said this was easier and 'gave them a sense of liberty or personal space'. The Tribunal notes that parties are not required to own and operate joint bank accounts. The totality of evidence of their financial circumstances must be considered in determining whether the criteria for a spousal relationship are met.
30. Mr Vujicic indicated the parties are aware of transactions on each other's accounts and share expenses. This is mostly managed by Ms Jovic. She took a loan on a car but it is insured in Mr Vujicic's name and they are both listed as drivers.
31. The parties' evidence is that they share the utility bills. During his testimony Mr Vujicic indicated he paid the water bills and Ms Jovic paid the power bills. On some of the bank statements provided for the parties individual accounts there are transfers from Ms Jovic to Mr Vujicic hand marked as 'power' however no documentary evidence of utility bills or payments was provided.
32. The parties' oral testimony was generally consistent with the documentary evidence they provided about their financial arrangements.
33. The Tribunal notes that the parties did not provide substantial documentary evidence of their financial household arrangements which might support their claim to be in a genuine spousal relationship. The Tribunal notes in particular the lack of documentary evidence as to how typical household bills such as utilities are paid. Having regard to all the material before it the Tribunal is satisfied that the parties' financial arrangements are not inconsistent with a genuine and committed spousal relationship at the time of the application being made and at the time of this decision. However, given the limited nature of the evidence in this regard the Tribunal does not place significant weight on this factor.

34. Nature of the household

35. The Tribunal has had regard to the evidence as to the nature of the household including the parties' living arrangements and any sharing of housework.
36. The parties gave evidence that they have lived together in a rented property in Yokine on a full-time basis since they married. They do not have children and do not have any childcare responsibilities in relation to Mr Vujicic's daughter who remains in Serbia. While the rental agreement was initially signed by Mr Vujicic in January 2015, Ms Jovic was added to the

lease on 5 June 2015 following their marriage. They provided a copy of their lease which is consistent with this evidence. They also provided a statutory declaration from their landlord, Snezana Stojjkovic which supports their testimony.

37. The delegate's decision raised a concern that when Ms Jovic was contacted by phone by the Department during the processing of the application on 15 September 2016 she indicated that a friend from New Zealand and a friend from Serbia were staying at the couple's unit for short periods however the lease agreement stated the maximum number of occupants for the unit as one person. When questioned about this issue by the Tribunal the parties testified that they have occasionally had boarders or house guests share the unit on a short to medium term basis. The two house guests referred to by Ms Jovic in her conversation with the Department, Mr Zivko Lakatus, a New Zealand citizen and Mr Stevo Matic, a Serbian national, provided statements and gave evidence at the hearing. They both testified that they had lived temporarily at the property with the couple at different times.
38. This evidence is also supported by Ms Stojjkovic's statutory declaration which indicates that Mr Lakatus stayed at the property from when Mr Vujicic took the lease until August 2016 to share expenses. Mr Matic stayed with the couple from September 2016 until May 2017.
39. Mr Vujicic testified that when he first moved to Australia his friend, Mr Matic, was living at the Yokine property and Mr Vujicic moved in with him. Mr Matic was returning to Serbia so Mr Vujicic took out a new lease in his name in early 2015. Mr Matic's testimony was consistent with this evidence.
40. Ms Jovic owns another property which is in her name and which is occupied by her parents and brother. There is evidence in Ms Jovic's bank statements suggesting rental payments being made to her by her brother.
41. There was sufficient documentary evidence that the parties share an address in Yokine and have done so since they married in June 2015. Evidence included their lease agreement at that address, Ms Jovic's electoral enrolment, licence and motor injury insurance statements addressed to both individually at that address, and Mr Vujicic's bank statements and other correspondence addressed to the parties individually at that address. The Tribunal notes that Ms Jovic's bank statements are addressed to her house in Morley. When questioned about this she explained that she has neglected to change this because she generally banks online and visits her parents regularly at the Morley house so receives any mail that is sent there. In light of the other documentary material the Tribunal accepts this evidence.
42. Several witnesses also testified to having visited the couple at the property and supported their claims to be cohabitating as spouses¹. This included written statements from the couple's parish priest². Mr Matic and Mr Lakatus testified that both parties live at the Yokine property and that they share the home as husband and wife. Both testified as to their belief the relationship was genuine.
43. The parties gave consistent evidence that household responsibilities are primarily met by both parties as they are now both working.
44. The Tribunal is satisfied based on the oral testimony and supporting documentary evidence that the parties' household arrangements are such as to indicate a genuine spousal relationship at the time of the application and at the time of this decision. The Tribunal has placed significant weight on third party testimony supporting the parties' account of their living arrangements assessing this element of their relationship.

¹ Statements from Stevan Miljkovic dated 1 March 2018, Ms Sarah Bates dated 18 March 2018, Ms Zlata Jovic dated 14 March 2018, Mr Ivan Cvijanovic dated 16 March 2018.

² Statement from The Very Rev Sara Stojanovic dated 11 March 2018.

45. *Social aspects of the relationship*

46. The Tribunal has had regard to the evidence provided as to whether the parties represent themselves to others as being in a genuine married relationship, the opinion of their friends and acquaintances about the nature of the relationship and any basis on which the parties plan to undertake joint social activities.
47. The parties provided supporting material including photographs together and with others and a large number of supportive statements from family and friends including oral testimony at the hearing from Ms Bates, Ms Radmanovic, who was a witness at their wedding, Mr Cvijanovic, Ms Jovic, the sponsor's mother, Mr Jovic, the sponsor's brother, Mr Miljkovic and Mr Lakatus. The parties also provided additional supportive statements including from two members of the Serbian Orthodox Church indicating the couple are active members of the church and the Serbian community³.
48. Mr Vujicic provided a copy of his Australian income tax assessment for the year ending 30 June 2017. This lists Ms Jovic as his spouse. Ms Jovic's tax returns were not provided.
49. The parties provided evidence that they travelled together to Bali in January 2018 for a holiday. Movement records are consistent with this evidence. They also submitted they have travelled on holidays around Western Australia. They provided photographic evidence in support of this testimony.
50. The parties provided evidence which is consistent with social interaction with friends and family as a genuine couple particularly within their local Serbian community. They had significant written and oral support from the Serbian community and others consistent with their claims to be in a genuine spousal relationship. The Tribunal places significant weight on this third party support as evidence of the genuineness of the relationship and their acceptance as a married couple, particularly within the Serbian community. It is clear the parties are active and valued members of that community.
51. The evidence portrays a couple who are committed to each other and recognised as being in a genuine and committed relationship by their friends, family and acquaintances. The Tribunal is satisfied based on the oral testimony and supporting documentary evidence that the parties represent themselves socially in such a way as to indicate a genuine spousal relationship at the time of the application and at the time of this decision. The Tribunal places significant weight on this factor in reaching its decision.

52. *Nature of the parties' commitment*

53. The Tribunal has had regard to the evidence provided in relation to the nature of the parties' commitment to one another including the duration of the relationship, the length of time they have lived together, the degree of companionship and emotional support they draw from each other, and whether they see the relationship as long-term.
54. The Tribunal is satisfied that the parties first met in November 2014 through mutual friends and developed a relationship after a number of months of dating.
55. The Tribunal had concerns regarding the fact Mr Vujicic was still married when he travelled to Australia and began dating Ms Jovic. Mr Vujicic gave evidence that he had met his previous partner around 11 years ago and she had become pregnant after a brief relationship. They had tried living together but it 'never worked'. They eventually married when their daughter was entering Year 1 at school following pressure from his former

³ Statements from The Very Rev Sara Stojanovic dated 11 March 2018 and the Very Rev Milorad Soactar dated 11 March 2018.

partner's parents and to remove the social stigma of illegitimacy for their daughter. They did not live together. At the time his former partner's mother was dying of cancer and he was under pressure to agree to marry as this had been an issue of ongoing distress to her mother. Mr Vujicic submitted he did not live with his then wife but visited his daughter three to four times a week when permitted to do so by his wife. This arrangement 'depended on her mood'. During this period Mr Vujicic decided to explore the option of moving to Australia to study following discussions with his friend Mr Matic. He applied for a Student visa and left Serbia.

56. Mr Vujicic testified that he made a decision to divorce in early 2015. He was then seeing Ms Jovic. In questioning he indicated he got divorced because his former spouse was continuing to see someone else and was blackmailing him to send money in exchange for contact with his child. He later gave evidence that the divorce was initiated by his former spouse. When questioned about the details of his decision to divorce her and the timing, his answers were vague. When asked whether he discussed these issues with Ms Jovic, Mr Vujicic indicated that he did not because it upset her to talk about his earlier relationship. He said she knew he was married and had a child and that he told her once he had divorced.
57. Mr Vujicic indicated that it was Ms Jovic who suggested they get married as his visa was expiring and they did not want to be separated. He indicated they had a nice time together and were trying to have a baby. On balance, and in light of Ms Jovic's testimony, the Tribunal accepted this evidence.
58. The parties do not have children together however they gave evidence that they would like to start a family but have had difficulty in that regard. They provided evidence that Ms Jovic has sought assistance from traditional medicine specialists however those therapies have been unsuccessful.
59. It was evident at the hearing that the issue of having children was a source of stress for Ms Jovic and that she relied on and values Mr Vujicic's ongoing support for her endeavours to conceive. Mr Vujicic testified that he did not discuss his prior relationship and child with Ms Jovic because it upset her in the context of their inability to have children. While the Tribunal had concerns regarding the lack of communication between the couple regarding Mr Vujicic's ex-wife and child and his ongoing communication with them, both parties gave consistent evidence in this regard and on balance the Tribunal accepts their evidence.
60. Ms Jovic gave evidence that they are attempting to save and hope to buy a property together when the market improves in Perth.
61. It was evident at the hearing that the parties have drawn social and emotional support from one another during the course of their relationship. Ms Jovic in particular relies on Mr Vujicic for emotional support and companionship.
62. The Tribunal had reservations about the speed with which the relationship between Mr Vujicic and Ms Jovic was formed and Mr Vujicic's account of the conduct and breakdown of his previous relationship in Serbia. Mr Vujicic gave evidence that he was no longer in a relationship with his former partner when he and Ms Jovic married. His previous marriage was a 'marriage of convenience' to satisfy his former partner's mother who was very ill and was unhappy that they had a child together but had never married. They divorced after his partner's mother died. This was the reason for the short duration of the marriage. Mr Vujicic attested to the fact that his prior relationship had ended and while he has ongoing contact with his former wife concerning the care and well-being of his daughter he is not in a relationship with her and has not been for many years. In the absence of evidence to the contrary, the Tribunal accepts this evidence.

63. The parties presented at the hearing as a committed couple. The Tribunal is satisfied that they provide companionship and emotional support to one another and that they view the relationship as long-term. Having regard to all the material before it, the Tribunal is satisfied on the evidence that the nature of the parties' commitment to each other demonstrates a genuine spousal relationship at the time the application was made and at the time of this decision.

64. Summary of findings

65. Based on the evidence before it the Tribunal is satisfied that at the time of the application and at the time of the decision the parties have a mutual commitment to a shared life to the exclusion of all others. The Tribunal finds the parties are in a genuine and continuing relationship and that they live together and not separately and apart on a permanent basis. Accordingly they meet the requirements for s.5F(2)(b)-(d) of the definition of spouse in the Act.
66. On the basis of the above the Tribunal is satisfied that the requirements of s.5F(2) are met at the time the visa application was made and at the time of this decision.
67. Therefore, Mr Vujicic meets cl.820.211(2)(a). The Tribunal accepts that Mr Vujicic was sponsored and therefore meets cl. 820.211(2)(c), and as he was the holder of a substantive visa at time of his application, cl.820.211(2)(d) does not apply. Mr Vujicic continues to meet these requirements at the time of decision. He therefore meets cl.820.221(1).
68. Given the findings above, the appropriate course is to remit the application for the visa to the Minister to consider the remaining criteria for a Subclass 820 visa.
69. In reaching its conclusions, the Tribunal observes there is a two-stage process before a permanent visa is granted in the partner migration stream and therefore there will be a further assessment of the relationship at the permanent visa stage and the matter of the genuineness of the relationship and commitment of the parties will be considered again, on the facts that exist at that time. These observations are made given there are reservations about the speed with which the relationship between Mr Vujicic and Ms Jovic was formed and Mr Vujicic's account of the conduct and breakdown of his previous relationship in Serbia.
70. For present purposes, having regard to the totality of the evidence before it, the Tribunal is satisfied that at the time of the application and time of the decision the visa applicant and review applicant have a mutual commitment to a shared life as husband and wife to the exclusion of all others and the relationship is genuine and continuing. They therefore meet the requirements of s.5F(2)(b) and s.5F(2)(c) for a married relationship.

DECISION

71. The Tribunal remits the application for a Partner (Temporary) (Class UK) visa, with the direction that Mr Vujicic meets the following criteria for a Subclass 820 (Partner (Temporary)) visa:
- cl.820.211(2)(a) of Schedule 2 to the Regulations
 - cl.820.220(1) of Schedule 2 to the Regulations.

Jan Redfern
Deputy President

Simone Burford
Member

ATTACHMENT - Extract from Migration Regulations 1994

1.15A Spouse

- (1) For subsection 5F (3) of the Act, this regulation sets out arrangements for the purpose of determining whether 1 or more of the conditions in paragraphs 5F (2) (a), (b), (c) and (d) of the Act exist.
- (2) If the Minister is considering an application for:
 - (a) a Partner (Migrant) (Class BC) visa; or
 - (b) a Partner (Provisional) (Class UF) visa; or
 - (c) a Partner (Residence) (Class BS) visa; or
 - (d) a Partner (Temporary) (Class UK) visa;

the Minister must consider all of the circumstances of the relationship, including the matters set out in subregulation (3).

- (3) The matters for subregulation (2) are:
 - (a) the financial aspects of the relationship, including:
 - (i) any joint ownership of real estate or other major assets; and
 - (ii) any joint liabilities; and
 - (iii) the extent of any pooling of financial resources, especially in relation to major financial commitments; and
 - (iv) whether one person in the relationship owes any legal obligation in respect of the other; and
 - (v) the basis of any sharing of day to day household expenses; and
 - (b) the nature of the household, including:
 - (i) any joint responsibility for the care and support of children; and
 - (ii) the living arrangements of the persons; and
 - (iii) any sharing of the responsibility for housework; and
 - (c) the social aspects of the relationship, including:
 - (i) whether the persons represent themselves to other people as being married to each other; and
 - (ii) the opinion of the persons' friends and acquaintances about the nature of the relationship; and
 - (iii) any basis on which the persons plan and undertake joint social activities; and
 - (d) the nature of the persons' commitment to each other, including:
 - (i) the duration of the relationship; and
 - (ii) the length of time during which the persons have lived together; and
 - (iii) the degree of companionship and emotional support that the persons draw from each other; and
 - (iv) whether the persons see the relationship as a long term one.
- (4) If the Minister is considering an application for a visa of a class other than a class mentioned in subregulation (2), the Minister may consider any of the circumstances mentioned in subregulation (3).